

REMARKS/ARGUMENTS

Claim 20 is canceled.

Claim 21 is amended.

Support for the amendment of Claim 21 is found at the originally filed claims and throughout the specification.

Upon entry of the amendment, Claims 1-19 and 21 will be active.

No new matter is believed to have been added.

The indefiniteness rejection of Claim 21 is obviated by the amendment of Claim 21.

The written description and new matter rejections of Claim 20 are obviated by cancellation of Claim 20.

The anticipation and/or obviousness rejections of Claim 20, as being unpatentable over Xi, are obviated by cancellation of Claim 20.

The obviousness rejection of Claims 12-19 as being unpatentable over Upholt in view of Matsumoto is respectfully traversed, because the references, either alone or in combination, do not describe or suggest all of the limitations of the present claims, and because the references, either alone or in combination, are not enabling.

At the outset, Applicants note that the chicken collagen II genes of Upholt are not the full length cDNA and/or genomic gene of chicken collagen II of, for example, present Claims 12-13, which are 4793 nt in length (SEQ ID NO: 2) and 5495 nt in length (SEQ ID NO: 1). Further, the chicken collagen II genes described by Upholt are not identical to present claim embodiments, as shown by BLAST results (see attached pages). Accordingly, Upholt does not describe or suggest all of the features of the present claims, and therefore, a person of ordinary skill in the art (PHOSITA) would not find, for example, that the isolated polynucleotides of present Claims 12 and 13 are described or suggested by Upholt. The

disclosure of Matsumoto does not remedy the deficiencies of Upholt. Withdrawal of the obviousness rejection is requested on this basis alone.

Further, employing the teachings of Upholt, Applicants submit that a person of ordinary skill in the art (PHOSITA) could not obtain the presently claimed isolated full length cDNA (SEQ ID NO: 2) and isolated genomic DNA of chicken collagen II (SEQ ID NO: 1), and that the contributions of Matsumoto do not remedy this deficiency.

Applicants note that the isolated cDNA of chicken collagen II of SEQ ID NO: 2 is 4793 nt in length, and the isolated genomic gene of chicken collagen II of SEQ ID NO: 1 is 5495 nt in length, which are quite long in view of a PHOSITA.

Further, obtaining the full length cDNA and genome DNA via conventional techniques would raise enablement issues because of the complexity of these structures per se. Such complexity includes, for example, a high amount of GC, repetition sequences, and non-specific binding sites for primers therein.

Accordingly, Applicants submit the disclosure of Upholt is not enabling for, for example, the isolated polynucleotides of Claims 12 and 13, and that the disclosure of Matsumoto does not remedy the deficiencies of Upholt. Withdrawal of the obviousness rejection is respectfully requested.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

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